IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Frank A. HUNLETH et al.	)	Group Art Unit: 2175
	)	
Application No.: 10/768,432	)	Examiner: Henry W. Orr
	)	
Filed: January 30, 2004	)	Confirmation No.: 8731
	)	
For: CONTROL FRAMEWORK WITH	)	
A ZOOMABLE GRAPHICAL	)	
USER INTERFACE FOR	)	
ORGANIZING, SELECTING	)	
AND LAUNCHING MEDIA	)	
ITEMS	)	

REPLY BRIEF

Sir:

The present Reply Brief is in response to the Examiner's Answer of June 11, 2009.

Appelants respectfully reiterate that the basis for the outstanding rejections set forth in the Examiner's Answer of June 11, 2009, is improper and must be REVERSED.

The outstanding rejections, discussed in detail in the Appeal Brief filed February 10, 2009, are primarily based on the Examiner's position that the claimed feature (see Claim 53 discussed in the Appeal Brief) of

transitioning, in response to said selection input, from (a) the current semantic level, at which a first image associated with said one of said media items is displayed together with other images, to (b) said different semantic level, **at which said first image is displayed without said other images by simultaneously changing a size**

**of said first image and translating said first image from a first location at said
current semantic level to a second location at said different semantic level**
(emphasis added)

can be split in multiple sub-features and each sub-feature may be found in the

prior art.

For example, the Examiner's Answer indicates in the paragraph bridging pages 4

and 5 that transitioning from a current semantic level to a different semantic level while

changing a size and position of the first image is disclosed by Duarte at column 8, lines

24-45 and shown in Figure 11 while displaying the first image at the different semantic

level without other images of media items is disclosed by Twerdahl in paragraphs [0019]

and [0020] and shown in Figures 2 and 3.

I. Duarte does not teach or suggest changing a location of the first image

Duarte shows in Figure 11 that a user may select an icon 102 and because of

this action, this icon increases in size. However, Figure 11 of Duarte does not show

that the icon 102 changes its position as recited by the independent claims.

The Examiner points out in the Examiner's Answer in the paragraph bridging

pages 19 and 20 that when "an icon within the **loop** is changed to a location within the

highlighted region, the semantic level changes via a new highlighted icon displayed with

corresponding preview area" (emphasis added).

The Examiner appears to acknowledge that Figure 11 of Duarte does not teach

or suggest changing a location of a selected icon (102) and thus, the Examiner appears

now to combine the teachings related to Figure 2 (in which a loop menu is shown) with

the teachings related to Figure 11 (in which no loop menu is shown). While the

teachings related to Figure 2 disclose the possibility of moving an icon through a

predetermined area, Duarte does not teach or suggest mixing the teachings related to

Figures 2 and 11 suggested by the Examiner.

Thus, it is respectfully submitted that Duarte does not teach or suggest

"simultaneously **changing a size** of said first image **and translating** said first image

from a first location at said current semantic level to a second location at said different

semantic level" (emphasis added) as recited by the independent claims.

II. Clarification of "semantic zooming"

The Examiner correctly notes in the Examiner's Answer that "semantic zooming"

is not recited by the claims. This term has been used in the Appeal Brief as shorthand

for the recited feature

transitioning, in response to said selection input, from (a) the current semantic
level, at which a first image associated with said one of said media items is displayed
together with other images, to (b) said different semantic level, at which said first image
is displayed without said other images by simultaneously changing a size of said first
image and translating said first image from a first location at said current semantic level
to a second location at said different semantic level.

Thus, all the interpretations given by the Examiner in the Examiner's Answer to

this phrase are considered inaccurate and should not be used to characterize the

claims.

III. Paragraphs of Twerdahl relied upon by Examiner are not prior art

As discussed in the Appeal Brief, the Examiner relies on paragraph [0020] of

Twerdahl for rejecting a feature of the independent claims (i.e., displaying a same

image at current and different semantic levels).

This paragraph of Twerdahl is neither found in the Provisional Application from

which Twerdahl claims priority nor founds any support in the Provisional Application.

Because the effective date of this paragraph of Twerdahl is not the filing date of the

Provisional Application, this paragraph is not prior art.

The Examiner states in the Examiner's Answer on page 24, first full paragraph

that:

Examiner further notes that U.S. Pub. No. 2004/0221243 (i.e., Twerdahl et al.) is relied
upon to form the basis of the prior art rejections, not the Provisional application. The
Provisional Application is relied upon to establish an effective date for the U.S. Pub. No.
2004/0221243. Therefore, U.S. Pub. No. 2004/0221243 has an effective filing date
which is the same as the filing date of the provisional application and qualifies as prior
art in accordance with 35 U.S.C. 102(e).

This paragraph clearly indicates that the Examiner mistakenly relies on

disclosure of Twerdahl (filing date of April 16, 2004) not having support in the

Provisional Application (filing date April 30, 2003) but claiming the filing date of the

Provisional Application, which is improper.

For this single reason, it is believed that the outstanding rejections should be

reversed as the filing date of the present application is January 30, 2004, earlier than

the filing date of Twerdahl.

Conclusions

As the Examiner has failed to rely on prior art and also has failed to find

reference teachings that would suggest all the limitations of the rejected claims, reversal

of all outstanding rejections is respectfully requested.

Respectfully submitted,

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Dated: August 11, 2009